





UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|----------------|----------------------|-----------------------|------------------|
| 09/892,253 | 06/27/2001 | James Brian Vrotacoe | 600.1169 | 3283 |
| 7: | 590 11/14/2002 | | | |
| DAVIDSON, DAVIDSON & KAPPEL, LLC 14th Floor 485 Seventh Avenue | | | EXAMINER | |
| | | | COLILLA, DANIEL JAMES | |
| New York, NY 10018 | | | ART UNIT | PAPER NUMBER |

2854 DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| • | Application No. | Applicant(s) | |
|--|---|---|---------------|
| | 09/892,253 | VROTACOE ET AL. | |
| Office Action Summary | Examiner | Art Unit | |
| | Dan Colilla | 2854 | |
| The MAILING DATE of this communication app Period for Reply | pears on the cover sheet w | ith the correspondence add | ress |
| A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 36(a). In no event, however, may a sy within the statutory minimum of thir will apply and will expire SIX (6) MON, cause the application to become Al | reply be timely filed by (30) days will be considered timely. ITHS from the mailing date of this combandoned (35 U.S.C. § 133). | munication. |
| Status | l 0004 | | |
| 1) Responsive to communication(s) filed on <u>27</u> . | | | |
| , <u> </u> | is action is non-final. | 44 44 | |
| Since this application is in condition for allows closed in accordance with the practice under Disposition of Claims | | | merits is |
| 4)⊠ Claim(s) <u>1-20</u> is/are pending in the application | ١. | | |
| 4a) Of the above claim(s) is/are withdra | | | |
| 5) Claim(s) is/are allowed. | | | |
| 6) Claim(s) is/are rejected. | | | |
| 7) Claim(s) is/are objected to. | • | | |
| 8) Claim(s) 1-20 are subject to restriction and/or | election requirement. | | |
| Application Papers | | | |
| 9) The specification is objected to by the Examine | | | |
| 10) The drawing(s) filed on is/are: a) □ acce | pted or b)⊡ objected to by t | he Examiner. | |
| Applicant may not request that any objection to th | | | |
| 11) The proposed drawing correction filed on | | lisapproved by the Examiner | |
| If approved, corrected drawings are required in re | • | | |
| 12) The oath or declaration is objected to by the Ex | raminer. | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | |
| 13) Acknowledgment is made of a claim for foreign | n priority under 35 U.S.C. | § 119(a)-(d) or (f). | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | |
| 1. Certified copies of the priority document | | | |
| 2. Certified copies of the priority document | | | |
| 3. Copies of the certified copies of the prio application from the International Bu * See the attached detailed Office action for a list | reau (PCT Rule 17.2(a)). | | tage |
| 14) Acknowledgment is made of a claim for domesti | · | | application). |
| a) The translation of the foreign language pro | ovisional application has b | een received. | |
| Attachment(s) | p | 33 120 milaror 121. | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) | 5) Notice of | Summary (PTO-413) Paper No(s) Informal Patent Application (PTO- | |

Application/Control Number: 09/892,253 Page 2

Art Unit: 2854

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, drawn to a device for manufacturing a printing blanket, classified in

class 101, subclass 463.1.

II. Claims 11-16, drawn to a method for forming a tubular printing blanket, classified

in class 101, subclass 463.1.

III. Claims 17-20, drawn to an offset printing blanket, classified in class 101, subclass

375.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions

are distinct if it can be shown that either: (1) the process as claimed can be practiced by another

materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice

another and materially different process. (MPEP § 806.05(e)). In this case the method can be

carried out by a different apparatus or simply by hand. For example, separate sheets of pre-made

layers may be assembled and adhered together by hand to carry out the method.

3. Inventions II and III are related as process of making and product made. The inventions

are distinct if either or both of the following can be shown: (1) that the process as claimed can be

used to make other and materially different product or (2) that the product as claimed can be

made by another and materially different process (MPEP § 806.05(f)). In the instant case the

product can be made by a different method. For example, the product does not require the step

Application/Control Number: 09/892,253 Page 3

Art Unit: 2854

of applying an application layer to a base and then removing the application layer from a polymer.

- 4. Inventions I and III are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product can be made by a materially different apparatus. For example, an application layer located directly on the base of the apparatus is not required to make the product. Additionally, an extruding device could be used to make the product.
- 5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, and the search required for Group II is not required for Group III and the search required for Group I is not required for Group III, restriction for examination purposes as indicated is proper.
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Application/Control Number: 09/892,253

Art Unit: 2854

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Colilla whose telephone number is (703) 308-2259. The examiner can normally be reached M-F, 8:30-5:30. Faxes regarding this application can be sent to (703) 746-4405.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached at (703)305-6619. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

November 8, 2002

Dan Colilla

Primary Examiner Art Unit 2854

Page 4